

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2221 – SB 3092

April 15, 2012

SUMMARY OF AMENDMENT (016638): Deletes all language after the enacting clause. Creates a Class A misdemeanor offense for a person 18 years of age or older who owns, manages, or otherwise operates a business or retail establishment, to knowingly allow a person 17 years of age or younger to engage in sexual activity or to engage in patently offensive simulated sexual activity on the property of such business or retail establishment or for a person 18 years of age or older to engage in the promotion of performance of sexual conduct of a person who is 17 years of age or younger on the property of such business or retail establishment. Any personal property used in the commission of a violation of this newly created Class A misdemeanor is subject to judicial forfeiture. Specifies that the proposed legislation will not deprive a court of any authority to suspend or cancel a license, to declare the establishment a nuisance, or to impose costs and other monetary obligations if specifically authorized by law.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$21,700/Incarceration*

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions applied to amendment:

- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- A small increase in cases in the court system will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc